

S/N 09/957,434

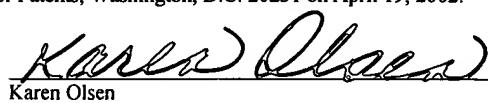
PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APR 29 2002
O I P E
P A T E N T & T R A D E M A R K
S E R V I C E
S C 63 1

Applicant:	UCKUN ET AL.	Examiner:	UNKNOWN
Serial No.:	09/957,434	Group Art Unit:	1664
Filed:	9/19/01	Docket No.:	12152.48US1
Title:	GEL-MICROEMULSION FORMULATIONS		

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on April 19, 2002.


Karen OlsenREQUEST FOR RECONSIDERATION OF
DECISION REFUSING STATUS UNDER 37 C.F.R. §1.47(a)

Assistant Commissioner of Patents
Box DAC
Washington DC 20231

Dear Sir:

In response to the Decision Refusing Status Under 37 C.F.R. §1.47(a) mailed on January 22, 2002 and setting two months for reply, reconsideration is respectfully requested. A one-month extension of time is also requested in conjunction with this request for reconsideration.

Upon receiving the Decision Refusing Status Under 37 C.F.R. §1.47(a) an additional attempt was made to locate Inventor Seang Yiv to ensure that a copy of the full application and Declaration and Power of Attorney was sent to this inventor for review and signature. Applicants counsel and administrative staff were able to locate Mr. Yiv. Please see Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor (37 C.F.R. §1.47) made by Karen Olsen, filed herewith.

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Mr. Yiv has not signed the Declaration and Power of Attorney. Applicants respectfully request that Mr. Yiv's inaction be considered a tacit refusal to sign and that Mr. Yiv be considered an inventor who refuses to sign under 37 C.F.R. §1.47(a). Please see Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor (37 C.F.R. §1.47) made by Keith Campbell, filed herewith.

In light of the new facts presented herewith, a Decision Granting Status Under 37 C.F.R. § 1.47 is respectfully requested.

Respectfully submitted,
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
612.332.5300

Date: 19 April 2002

Keith Campbell
Keith Campbell
Reg. No. 46,597

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O P E S/N 09/957,434

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APR 29 2002
P A T E N T & T R A D E M A R K
Applicant: UCKUN ET AL. Examiner: UNKNOWN
Serial No.: 09/957,434 Group Art Unit: 1664
Filed: 9/19/01 Docket No.: 12152.48USII
Title: GEL-MICROEMULSION FORMULATIONS

CERTIFICATE UNDER 37 CFR 1.8:

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Karen Olsen

**STATEMENT OF FACTS IN SUPPORT OF FILING
ON BEHALF OF NONSIGNING INVENTOR (37 C.F.R. § 1.47)**

I, Karen Olsen, a citizen of the United States, residing in the State of Minnesota hereby declare:

1. This statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the nonsigning inventor for the above-identified patent application.
2. This statement is made by the available person having first-hand knowledge of the facts recited therein.
3. SEANG YIV, MINGSHU LI and FATIH M. UCKUN are joint inventors and have filed an application for patent in the United States entitled GEL-MICROEMULSION FORMULATIONS.

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This application for patent was described and claimed in international no. PCT/US00/07419 filed March 19, 2000 and claimed the benefit of U.S. Provisional Application No. 60/125,142 filed March 19, 1999. The signatures of the joint inventors on the Combined Declaration and Power of Attorney are required to complete the application.

4. In response to the Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor, and Nonsigning Declaration filed December 27, 2001, we received a Decision Refusing Status Under 37 C.F.R. § 1.47 stating that "Petitioner has failed to demonstrate that the nonsigning inventor has been provided with a complete copy of the application." As we had relied on information provided by Anna Sayer, Administrative Assistant to the Director of Parker Hughes Institute, a person having first hand knowledge of the inventors working for Parker Hughes Institute, we tried contacting her to verify what precisely was sent to Inventor Yiv.

5. Anna Sayer had since left Parker Hughes Institute. I tried to contact Ms. Sayer, but was unsuccessful.

6. I tried to locate Inventor Yiv by searching the Internet using the last known address, provided to us by Anna Sayer. At the MSN White Pages website, I located a phone number associated with the address. A copy of the search from that website is enclosed.

7. I phoned the number on February 4, 2002 and left a voicemail message indicating I was called for Seang Yiv, an inventor for the application entitled GEL-MICROEMULSION FORMULATIONS and to please contact me regarding review of the application and signing of the Declaration and Assignment.

8. I followed up the voicemail with a letter and a copy of application, declaration and assignment via Express Mail to the last known address, 1725 Tattenham Rd.,

Encinitas, CA 92024. I followed up a couple days later with the US Post Office Tracking Website and the package had not been delivered.

9. On February 15, 2002, I received a phone call from Seang Yiv, returning my call. I explained to him that we needed him to review the application and if in order, sign the Declaration and Power of Attorney and Assignment documents. He provided me with his current address, 7877 Calle Oliva, Carlsbad, CA 92009 and I forwarded another copy of the application, Declaration and Power of Attorney and Assignment documents to this address by U.S. Postal Express Mail, Overnight Delivery. This package was delivered on February 21, 2002 and signed by V Yiv, a copy of this delivery status confirmation is enclosed.

10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such false statements may jeopardize the validity of the application or any patent issued thereon.

4-19-02
Date

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Enclosures:

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MSN White Pages Search Results (4 pages)

United States Postal Service Delivery Confirmation Status (1 page)



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A Professional Corporation

March 26, 2002

VIA CERTIFIED MAIL

Mr. Seang Yiv
7877 Calle Oliva
Carlsbad, CA 92009

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OFFICE OF PETITIONS

RE: U.S. Patent Application No. 09/957,434
For: GEL-MICROEMULSION FORMULATIONS
Our Ref.: M&G 12152.48USI1

and

U.S. Patent Application No. 09/960,464
For: QUINAZOLINE FORMULATIONS AND THERAPEUTIC USE THEREOF
Our Ref.: M&G 12152.49USW1

Dear Mr. Yiv:

It is our understanding that you are an inventor of the above-referenced patent applications, copies of which were sent to you on February 15, 2002, along with Combined Declarations and Powers of Attorney and Assignments for each application.

As you were formerly employed as a scientist at the Parker Hughes Institute and as the subject matter of the above-referenced applications was invented during your employment at the Parker Hughes Institute, we understand that you are obligated to assign the invention to the Parker Hughes Institute. We also understand that, as you were previously employed and compensated as a scientist at the Parker Hughes Institute, you are also under an obligation to review the above-referenced applications and sign the Combined Declarations and Powers of Attorney.

Finally, it is our understanding that Parker Hughes Institute is under no obligation to compensate you for either your assignment of the inventions to the Parker Hughes Institute

Minneapolis/St. Paul
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Seattle
Atlanta

March 26, 2002
Page 2

or your review of the applications and signing of the Combined Declarations and Powers of Attorney.

If we do not hear from you or if we do not receive the Combined Declarations and Powers of Attorney and Assignments with your signature within a week of your receipt of this letter, we will file a petition with the United States Patent and Trademark Office under 37 C.F.R. 1.47 to proceed with prosecution of the above-referenced applications in spite of your refusal to sign the Combined Declarations and Powers of Attorney.

If you have any questions, please feel free to contact me.

With kind regards,



Keith Campbell
Patent Agent

KC/ko

cc: Dr. Fatih Uckun
Ronald A. Daignault

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Please complete steps 1 through 5:

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Assertion of Identity — Check Box to Indicate Agreement

I represent that I am either (a) the person whose listing is being modified hereby or (b) an authorized agent of this person. I understand that if I provide inaccurate information, the listing may be removed and my privileges for adding and updating listings revoked. I understand further that providing false or slanderous information about another person may subject me to criminal penalties in some jurisdictions.

The information you provide will be used to update your listing. Thank you for helping us keep our directory current.

This information will be included in your updated listing (not required for removals):

First Name:	<input type="text" value="S"/>
Last Name:	<input type="text" value="Yiv"/>
City:	<input type="text" value="Encinitas"/>
State/Province:	<input type="text" value="California"/> (if U.S./Canada)
Country:	<input type="text" value="United States"/> <input type="button" value="▼"/>
ZIP/Postal Code:	<input type="text" value="92024"/>

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Please use this area to let people know a little more about yourself — who you are, where you went to school, and what you do when you're not surfing the Web.

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Birth/Maiden

Surname:

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Business Phone:

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Cellular Phone:

Fax:

Pager:

Home Page URL:

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AOL Instant

Messenger ID:

ICQ ID:

High School Information

School Name:

High school name only with no abbreviations

Example: Franklin, not Franklin H.S. or Franklin High

Year Graduated: Choose Year 

City:

State/Province: Choose State/Prov.  (if U.S./Canada)

Country: United States 

College/University Information

School Name:

Year Graduated: Choose Year 

City:

State/Province: Choose State/Prov.  (if U.S./Canada)

Country: United States 

Major:

Degree Earned: Choose 

Military:

Hobbies:

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APR 29 2002
PATENT & TRADEMARK OFFICE
S/N 09/957,434

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	UCKUN ET AL.	Examiner:	UNKNOWN
Serial No.:	09/957,434	Group Art Unit:	1664
Filed:	9/19/01	Docket No.:	12152.48US11
Title:	GEL-MICROEMULSION FORMULATIONS		

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Karen Olsen

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ON BEHALF OF NONSIGNING INVENTOR (37 C.F.R. § 1.47)**

I, Keith Campbell, a citizen of the United States, residing in the State of Minnesota hereby declare:

1. This statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the nonsigning inventor for the above-identified patent application.
2. This statement is made by the available person having first-hand knowledge of the facts recited therein.
3. SEANG YIV, MINGSHU LI and FATIH M. UCKUN are joint inventors and have filed an application for patent in the United States entitled GEL-MICROEMULSION FORMULATIONS.

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This application for patent was described and claimed in international no. PCT/US00/07419 filed March 19, 2000 and claimed the benefit of U.S. Provisional Application No. 60/125,142 filed March 19, 1999. The signatures of the joint inventors on the Combined Declaration and Power of Attorney are required to complete the application.

4. I called and spoke with Mr. Yiv on March 19, 2002 at 858-410-5234. We discussed the above referenced application, specifically a Combined Declaration and Power of Attorney for his signature.
5. Mr. Yiv stated that he received for his review and signature a copy of the above-referenced application and the Combined Declaration and Power of Attorney approximately one month prior to our March 19, 2002 conversation.
6. Mr. Yiv stated that he had not yet signed the Combined Declaration and Power of Attorney.
7. I sent a letter via certified mail to Mr. Yiv on March 26, 2002. The letter stated if I did not hear from Mr. Yiv within a week of his receipt of the letter, I would file a Petition under 37 C.F.R. 1.47 to proceed with prosecution of the application in spite of his refusal to sign. A copy of the March 26, 2002 letter is attached.
8. I phoned Mr. Yiv at his work place, (858) 410-5134, on April 4, 2002. Mr. Yiv indicated that he received my letter of March 26, 2002.
 - A. Mr. Yiv stated that after his initial review of the application, he determined that it would take many hours to review the application for accuracy.
 - B. Mr. Yiv stated that as he is no longer employed by the Parker Hughes Institute and as he has commitments to his current employer, he does not have time to review the application for accuracy, and he will not sign the Declaration and Power of Attorney at this time.

9. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such false statements may jeopardize the validity of the application or any patent issued thereon.

19 April 2002
Date

Keith Campbell
Keith Campbell